

SENATE BILL No. 72

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10.3-8; IC 5-10.4-5.

Synopsis: PERF and TRF benefit determination review. Provides that a member of the public employees' retirement fund (PERF) or the Indiana state teachers' retirement fund (TRF) may petition the board of trustees of the member's fund to correct an error in a determination of the member's: (1) creditable service; or (2) benefit; up to six years after the determination.

Effective: Upon passage; July 1, 2010.

Tallian, Young R Michael

January 5, 2010, read first time and referred to Committee on Pensions and Labor.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 72

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10.3-8-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. ~~Claims of Error.~~
3 **Except as provided in section 5.5 of this chapter**, a member may
4 petition the board to correct an error in the determination of ~~his~~ **the**
5 **member's:**

6 (1) creditable service; or ~~of his~~

7 (2) benefit;

8 within ~~one (1) year~~ **six (6) years** after the determination. The petition
9 must contain the necessary information to sustain ~~his~~ **the member's**
10 claim of error. The board shall investigate the claim and, if error is
11 found, shall order the member's records corrected.

12 SECTION 2. IC 5-10.3-8-5.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) Notwithstanding**
15 **section 5 of this chapter, a member who receives a determination**
16 **of the member's:**

17 (1) creditable service; or



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1 **(2) benefit;**
 2 **before July 1, 2010, may petition the board to correct an error in**
 3 **the determination before July 1, 2016.**

4 **(b) This section expires July 1, 2017.**

5 SECTION 3. IC 5-10.4-5-17 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2010]: **Sec. 17. Except as provided in section 18 of this chapter,**
 8 **a member may petition the board to correct an error in the**
 9 **determination of the member's:**

10 **(1) creditable service; or**

11 **(2) benefit;**

12 **within six (6) years after the determination. The petition must**
 13 **contain the necessary information to sustain the member's claim**
 14 **of error. The board shall investigate the claim and, if error is**
 15 **found, shall order the member's records corrected.**

16 SECTION 4. IC 5-10.4-5-18 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: **Sec. 18. (a) Notwithstanding section 17 of this**
 19 **chapter, a member who receives a determination of the member's:**

20 **(1) creditable service; or**

21 **(2) benefit;**

22 **before July 1, 2010, may petition the board to correct an error in**
 23 **the determination before July 1, 2016.**

24 **(b) This section expires July 1, 2017.**

25 SECTION 5. An emergency is declared for this act.

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